

# Arizona PIRG

## Education Fund

February 21, 2023

Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

Dear Chairman O'Connor and Commissioners,

RE: AU-00000A-16-0141

On behalf of the Arizona PIRG Education Fund, I write to provide recommendations to increase efficiencies and improve opportunities for public participation at the Commission. The Commission's recent discussions and my conversations with each of you and/or your offices have identified shared objectives to reduce spending that is not in the best interest of ratepayers and to ensure ratepayers have a straightforward and manageable manner in which to weigh in on matters before the Commission.

In the past, the Arizona PIRG Education Fund has provided related recommendations including the following to the Commission: Improve & Increase Communication to the Public; Improve & Increase Opportunities for Stakeholder & Ratepayer Engagement; and Improve & Increase Commission Staff Accessibility & Accountability<sup>1</sup>, and Workshops at the Commission<sup>2</sup>.

Based on the progress made over the last two years, ideas offered by Commissioners, expanded interest from stakeholders and ratepayers in Commission proceedings, and technological innovations, we offer the following recommendations for your consideration. Please note the list is not exhaustive and we recognize the ongoing processes necessary to adapt to various circumstances. The Arizona PIRG Education Fund plans to remain engaged and share our experiences as the Commission and other government entities establish and implement replicable best practices.

### ***Increasing Efficiencies***

While meeting formats and terms to describe Commission proceedings may evolve, we offer the following in an effort to maximize meeting efficiencies and minimize wasted time, resources, and/or unintended consequences.

1. List items in the docket in the order they were docketed with the most recent up top. The current system doesn't easily provide the ability to determine whether a Commissioner's

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<sup>1</sup> <https://docket.images.azcc.gov/E000011601.pdf?i=1627497308160>

<sup>2</sup> <https://docket.images.azcc.gov/E000014849.pdf?i=1676931319100>

amendment or correspondence responds to a previous entry in the docket making it a challenge, at times, to address.

2. Utilize a consent agenda to the greatest extent possible. The docket and a preliminary agenda, provided at least a week in advance of a meeting, can be utilized to note an item(s) a Commissioner(s), stakeholders, and/or ratepayers may wish to see discussed.
3. Provide amendments at least 48 hours in advance, to the great extent possible, to allow Commissioners, stakeholders, and ratepayers the ability to review and offer input. Amendments to be filed at least 48 hours in advance should apply to Commissioners and non-Commissioners. There should be an exception for amendments offered from the bench that are common-sense, not deemed significant, and/or that have the support of Commissioners. Amendments should not be advanced from the bench if they require Staff or a company to calculate ratepayer costs in real time, as those calculations are more likely to be prone to error, could benefit from outside scrutiny, and would be unlikely to provide breakdowns of cost per customer class.
4. Set the agenda in a manner that groups items per category together. For example, water items on the agenda, followed by telecommunications items, followed by energy items. Although the Commission generally has been operating in this direction, it isn't an absolute. The more the agenda is set by category with a firm start time, and firm times by which an item will not start before, the more it diminishes time that lawyers and utility staff are waiting around costing ratepayers money.
5. Clarify ex parte communication. There is a lack of a consistently applied standard of ex parte at the Commission. An easy to find document on the Commission's website that provides the standard requirements, as well as the very useful note up top in each docket, would prove beneficial.
6. Ensure Commission Staff act on behalf of the Commission and not a particular Commissioner. When an employee that works on behalf of all Commissioners is listed on media materials or when a Commissioner's statement is listed on the Commission's website, members of the media and the public have had and can have the wrong impression of an action taken by the body. To utilize limited Staff time for the benefit of the Commission, a Commissioner should only work with Staff on public facing materials that have been authorized by a majority of Commissioners. A Commissioner that wishes to put out their own statement(s) should work with their Policy Advisors and list in the "News" section of the page that lists their biography and other information. Each Commissioner should be required to clearly state on any materials, including through the legislature's RTS system, if they are speaking for themselves or the Commission.

### ***Improve Opportunities for Public Participation***

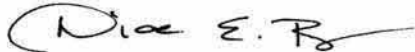
1. Clarify the agenda for Commission related meetings. The agenda should be clear on whether public comment will be allowed and if a vote may be taken.
2. Provide a date certain and an estimated time on the agenda for hearing an item that is expected to have notable public comment. In this instance, it is typically preferable to either have the item immediately follow the consent agenda or be the first item after a lunch break. Ratepayers are often taking time away from work or family to come before the Commission. The Commission should use its discretion to adjust the agenda as needed during the meeting to ensure an item that meets this criterion remains at the time listed or within an hour following the time listed on the agenda.

3. Offer sign-up for public comment in advance, as well as day-of. Provide the ability for an individual to choose whether to sign up to speak in-person, electronically, or by calling the dial-in number. The methods to sign-up could be placed on the agenda and open for sign-ups the day the agenda is out for the public meeting, enabling folks to get in the queue to speak in the order in which they signed up (and allowing the Chairman to gauge potential time needed for a particular agenda item). If a substantive amendment is offered after the public has provided input, the Commission should allow for additional public comment before a vote is taken.
4. Bring the Commission to the area(s) most impacted by a major decision, such as a substantial rate case. While not always practicable, ratepayers appreciate the Commission holding meetings outside of Phoenix to gain input. Particularly in these instances, thoughtful consideration should be given to holding evening and/or week-end comment sessions, offering Spanish and American Sign Language (ASL) interpreters, and incorporating accommodations that can increase engagement, such as access to public transportation.

And lastly, it could help increase efficiencies and improve opportunities for public participation if Commission Staff provided an easily accessible timeline of key cases, relevant dates, and their status - both by case and by month - on the Commission website.

Thank you for the consideration of our recommendations. Please feel free to contact me directly at (602)318-2779 (c) or [dbrown@arizonapirg.org](mailto:dbrown@arizonapirg.org) if you have any questions or wish to discuss.

Sincerely,



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Executive Director

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